



Petition Number: 1607-VS-13

Subject Site Address: 18881 IMMI Way

Petitioner: IMMI (Indiana Mills & Manufacturing, Inc.)

Request: Variances of Standard to allow for the proposed campus sign package (Article 6.7(H)) in the EI: Enclosed Industrial and LB: Local Business Districts.

Current Zoning: EI: Enclosed Industrial District and LB: Local Business District

Current Land Use: Light Industrial / Office

Approximate Acreage: 55.61 acres+/-

Exhibits:

1. Staff Report
2. Location Map
3. Site Plan
4. Sign Elevations
5. Existing Conditions
6. Petitioner's Application

Staff Reviewer: Amanda Rubadue, Associate Planner

OVERVIEW

Location: The subject property is 55.61 acres +/- in size and located at 18881 IMMI Way (see **Exhibit 2**) (the "Campus"). The Campus is zoned the EI: Enclosed Industrial District and LB: Local Business District. Adjacent properties to the north are also zoned EI; to the south MF1: Multi-Family Low Density District; to the east SF3: Single-Family Medium Density District; and to the west GB: General Business District.

Property History: IMMI is currently operating its research and development and light industrial facility on the Campus which are permitted uses within the EI: Enclosed Industrial District. IMMI conducts its operations entirely within enclosed buildings (see **Exhibit 5**).

Requested Variances: The petitioner desires to install several interior circulation signs along the perimeter of and within the Campus to direct truck traffic, as generally illustrated on the Site Plan (see **Exhibit 3**) and Sign Elevations (see **Exhibit 4**). In order to accommodate the proposed signage, a Variance of Development Standard is required, as summarized herein.

VARIANCE REQUEST

The petitioner is requesting a Variance of Development Standard to modify the sign standards. The Petitioner's proposed sign package is intended to help guide deliveries, visitors and truck traffic throughout the Campus in a more efficient and safe manner. The Campus is currently subject to the Individual Nonresidential Sign standards of the UDO (Article 6.17(H)(3)). The requested variance includes:

Interior Circulation Signs

The UDO permits Interior Circulation Signs with a total Sign Area not to exceed two (2) square feet and Sign Height not to exceed three (3) feet¹. The Petitioner is proposing several different dimensioned signs for interior circulation, as depicted in **Exhibit 4** and labeled 1 through 24 and A through E (see page 4). The proposed signs include:

Interior Circulation Signs		
	Sign Height (feet)	Sign Area (sq. ft.)
UDO Standard	3	2
Sign #1	7	21.33
Sign #2	7.5	21.33
Sign #3	7.5	20
Sign #4 - #5	7	3.61
Sign #6 - #8	6	3.61
Sign #9	7	16
Sign #10	7	17.67
Sign #11 - #12	6	3.61
Sign #13	8	18.67
Sign #14	7	3.61
Sign #15 - #16	6	3.61
Sign #17	7	18.67
Sign #18	7	13.33
Sign #19	5.7	8.61
Sign #20 - #21	6	3.61
Sign #22	7	14
Sign #23	7	16
Sign #24	7	21.33

Interior Circulation Signs		
	Sign Height (feet)	Sign Area (sq. ft.)
UDO Standard	3	2
Sign A	7	13.33
Sign B	7.5	21.33
Sign C	7.5	21.33
Sign D	7	17.33

¹ Article 6.17, H(3) Sign Standards; Interior Circulation Signs of the UDO

PROCEDURAL

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the July 12, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO² and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO³ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

² Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

³ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.

DEPARTMENT COMMENTS:

If the Board is inclined to approve the Variance of Development Standards (1607-VS-13), then the Department recommends the following written findings of fact and conditions:

1. Signs shall be installed in substantial compliance with the Site Plan (Exhibit 3) and Sign Elevations (Exhibit 4).
2. The Variance of Development Standard shall expire upon approval of an ordinance by the Council changing the zoning district of any portion of the property, unless otherwise approved by the Director. (If approved, it is contemplated that the essential terms of this variance will be incorporated into any subsequent zoning request pertaining to the Campus.)

Recommended Findings for Approval: If the Board is inclined to approve the variance, then the Department recommends the findings as set forth below, for each variance:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the EI and LB Districts.

- 2) *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the existing and proposed improvements enhance the circulation patterns within and around the property; (ii) the parcel will otherwise comply with or exceed the applicable standards of the EI and LB Districts; and (iii) the approval of the variance will allow for the continued use and improvement of the property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the existing improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.